(3) THE MADRAS CO-OPERATIVE LAND MORTGAGE BANKS (SECOND AMENDMENT) BILL, 1950 (L.A. BILL NO. 22 OF 1950).

THE HON. SRI K. CHANDRAMOULI :—" Sir, I move—

'that the Madras Co-operative Land Mortgage Banks (Second Amendment) Bill[a], 1950 (*L.A. Bill No.* 22 *of* 1950), *as passed by the Assembly, be taken into consideration.'*

" Sir, at present there is no provision in the Madras Co-operative Land Mortgage Banks Act, 1934, for the issue of certified copies of documents obtained and kept by land mortgage banks in the course of their business or of any entries in such documents, for purposes of evidence in courts. When original documents have to be produced before Courts, it involves trouble and inconvenience and also delay which occurs in the return of documents by the Courts. Hence the Bill that is brought forward now provides for the grant of copies by the Bank of original documents obtained and kept by it in the course of its business, or of any entries in such document and also for the admissibility in evidence of such copies certified in the prescribed manner similar to what is contained in sub-section (3) of section 29-A of the Banks Act in respect of documents produced under sub-section (1) or (2) of that section. So, the Bill is very simple and non-controversial. Hence, I commend it for the consideration of the House."

DEPUTY CHAIRMAN :—" The motion is—

'that the Madras Co-operative Land Mortgage Banks (Second Amendment) Bill, 1950 (L.A. Bill No. 22 of 1950), as passed by the Assembly, be taken into consideration '."

SRI B. BHIMA RAO :—" Sir, I am generally in support of the Bill. But my only complaint is that it has not gone far enough. No doubt, it is very inconvenient for the authorities of the Land Mortgage Banks as well as the litigants to summon for the production of the original registers and documents and take certified copies therefrom, produce the certified copies and then ask for the return of the Land Mortgage Banks Registers. Sir, you as an Advocate, are conversant with the difficulties of not only the authorities of the Bank but also the members of the general public. Recently, I had myself a case in this month in which I had to summon for the originals of registers and prove the various entries by persons who made them in 1941, 45 and 48 and who were different persons. When the Land Mortgage Bank wanted the registers back, it had to produce certified copies and then take them back, and I may tell you that it took nearly one month in spite of best efforts. Surely, this is disadvantageous not only for the authorities of the Banks, but also for the public. Sir, my complaint is that the Bill must have gone further. The extracts must be treated as extracts of any Bank Register and must be received in evidence without any further proof as in the

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[a] Printed as Appendix VIII on page 303 infra.

31st August 1950] [Sri B. Bhima Rao]

case of the Bankers Book Evidence Act. Here, I find that it is limited for the purpose of replacing the original. How could the litigant prove the original produced in Court? So, the same difficulty that is experienced at present will come up again. I am pointing out these to the Hon. Minister so that he could minimise these difficulties and bring in a further amending Bill to make it admissible as in the case of the extracts of the Bankers books and make it evidence for all purposes without any further proof."

DEPUTY CHAIRMAN :—" The question is—

'that the Madras Co-operative Land Mortgage Banks (Second Amendment) Bill, 1950 (L.A. Bill No. 22 of 1950), as passed by the Assembly, be taken into consideration'."

The motion was carried.

Clauses 2 and 1 were put and carried.

The Preamble was put and carried.

THE HON. SRI K. CHANDRAMOULI :—" Sir, I move—

'that the Madras Co-operative Land Mortgage Banks (Second Amendment) Bill, 1950 *(L.A. Bill No.* 22 *of* 1950) *be passed'."*

DEPUTY CHAIRMAN :—" The question is—

'that the Madras Co-operative Land Mortgage Banks (Second Amendment) Bill, 1950 (L.A. Bill No. 22 of 1950), be passed'."

The motion was carried.

(4) THE MADRAS AGRICULTURISTS' RELIEF (AMENDMENT) BILL, 1950 (L.A. BILL NO. 23 OF 1950).

* THE HON. SRI K. MADHAVA MENON :—" Sir, I move—

'that the Madras Agriculturists' Relief (Amendment) Bill[a], 1950 *(L.A. Bill No.* 23 *of* 1950), *as passed by the Assembly, be taken into consideration.'*

" We made certain amendments to the Agriculturists' Relief Act about two years ago. Certain difficulties have been found in the working of the Act and hence the present amendments are brought forward. Though, the amendments as circulated, may appear to be rather big, I may say that I have put the amendments in the proper place. The amendments are two in principle. One is that, under Explanation III to section 8 of the Madras Agriculturists' Relief Act, 1938, as it now stands, includes not merely the case where there is no change in the identity of the debtor or creditor or where the change is only an apparent one cloaking benami transactions but also the case where an independent loan is raised for the purpose of discharging a previous loan

[a] Printed as Appendix IX on pages 303–309 infra.